

Questions and Answers

***Additional answers and guidance can be found on the INDOT ARRA website (<http://www.in.gov/indot/div/public/arra/arra.htm>) and on the LPA ARRA website (<http://www.in.gov/indot/div/projects/LPASection/stimulusPackage.htm>).**

Q: What projects are eligible for ARRA funding?

A: Projects must be Title 23 of the U.S. Code eligible in order to qualify for ARRA funding. Additional information regarding eligibility can be found on the INDOT and LPA ARRA websites.

Q: None of our city streets are eligible, why?

A: They must be on-system according to FHWA's hierarchical method of functional classification. A link to the functional classification maps can be found on INDOT's ARRA website.

Q: Will Transportation (TE) money be going through MPOs like the conventional federal aid program?

A: Under Federal funding there are 4-6 different types of funding that fund the ARRA. Each comes with separate rules. Some are geographic in nature and some are project scale in nature. Under the conventional, it is assigned to the geographic areas. Under the ARRA, this is all one big pot. Each sub-apportionment gets an allowable reimbursement amount. Anything that you do out of your apportioned money counts against that pot. You get a block of money and how you choose to use it is entirely up to the entity.

Q: If I have a TE project and I'm in the MPO, I go to the MPO?

A: Yes.

Q: If I am an LPA inside of an MPO, can I submit my project directly to INDOT?

A: If you are inside of the urbanized planning area of the MPO, you must coordinate with your MPO to get the project adopted into their TIP before the project can be submitted to INDOT. Having the project listed in the MPO TIP is part of a bid-ready packet.

Q: In the handout it talks about a single-lift asphalt, is there anything else I can do?

A: Any work eligible under Title 23 can be done. Preventative maintenance treatments are handled under the eligibility requirements specifically adopted for ARRA projects only. The conventional rules for treatment choice are in our design manual and the US Code

Q: How is the construction inspection to going to work?

A: Preventative maintenance and safety will be able to use a district-wide construction inspection contract. Other projects will have to go through the normal, traditional consultant selection process. You can use your own certified forces but the work is not reimbursable.

Q: Who will assign the construction inspector?

A: If you use the district-wide contract, an inspector will be assigned by the district. Otherwise, it will be determined by the results of the consultant selection process.

Q: Do you include the construction inspection estimate with your project?

A: Make it obvious in your bid-ready packet how much you anticipate needing for the construction inspection and which option you are choosing to invoke (district-wide, conventional, own forces or 100% local funds).

Q: For the statewide categorical exclusion, what all types of projects are included?

A: Guidance can be found at the INDOT ARRA website, as well as the Local Programs site.

Q: Does the categorical exclusion apply if you are in urban area doing sidewalks?

A: No, only certain types and levels of projects are covered under the categorical exclusion. Please reference the available materials to determine if a specific project qualifies for use of a categorical exclusion.

Q: Preventative maintenance projects – is there a form?

A: Not at this time. There is an inspection report, as defined in the “Local Pavement Preventative Maintenance Project Criteria” used to determine project eligibility. The criteria can be found on the INDOT ARRA website.

Q: We transitioned from rural to urban – do we go through the MPO?

A: Yes, you have to work ARRA funds through the MPO.

Q: ADA Compliance Ramps, do we need ROW certification?

A: Yes. You will need to certify that you have clear title or the land you will be working on or provide the “No new right-of-way needed certification” letter found on the INDOT and LPA ARRA website.

Q: Mill and resurfacing in an urban area curb-to-curb, are you covered under the categorical exclusion?

A: No, because you may run into the historic area or other special circumstances but there are ways to work through the level of environmental needed in a timely matter.

Q: What are the steps for a community, especially smaller, to work through the environmental? Is it a streamlined process?

A: See the new LPA guidance document and coordinate with your local district.

Q: Does construction inspection count against an agency’s funding limit?

A: Yes, construction inspection using traditional consultant selection process or the district-wide contract will be included in the agencies funding limit.

Q: How will change orders be handled?

A: ARRA funds will not be used for change orders. The LPA should have a plan to cover any change orders, notice of change or cost overruns.

Q: Will contractor bonuses be paid under with ARRA funds?

A: At the time many contractor bonuses will come into effect, ARRA funds will not longer be available. Therefore, they will no contractor bonuses will be paid for using ARRA funds and it is recommended they be removed from the contract.

Q: If my award is under my estimate, what happens to the other funds? Can I do change orders up to that amount?

A: The contract award amount is the allocation of the ARRA funds, not the estimated amount.

Q: Can sidewalks be done with ARRA funds?

A: Yes, they must meet ADA standards and all necessary documents must be completed (right-of-way certification, environmental, etc.)

Q: Are these reimbursement funds? Does the LPA have to pay for 100% up front?

A: They are reimbursable for INDOT. INDOT will be letting all ARRA contracts (standard process for all Federal-aid projects), therefore INDOT will incur the expenses to be reimbursed by FHWA. Since it is 100% Federal-aid funding, there will be no local funding required.

Q: What will happen if 5 projects are submitted for 5 million dollars but award comes in at 6 million?

A: The district will allow the local community to accept or not accept. A portion of the project can receive ARRA funding or the project scope can be adjusted.

Q: Is the \$3 million per community calculated on a per LPA basis?

A: It is \$3 million per LPA. The county could get \$3 million and a city inside the county can get \$3 million.

Q: What if construction inspection exceeds the awarded amount when using the district-wide contract?

A: Only the awarded amount will be funding through ARRA funds. All cost overruns on inspection are to be handled by the project owner.

Q: How does a project work if it is both within and outside an MPO?

A: The project will require at least two DES#s for tracking. What projects are funded with ARRA funding within the MPO are determined by the MPO. The rural funds will be awarded on a first come, first served basis. If the rural part of the project is within the urbanized planning area of the MPO it must be in their TIP. Coordination will need to happen with both the MPO and the district office.

Q: If a smaller community wishes to do a safety project, is there a minimum amount?

A: No, there is no minimum amount, but INDOT will try to bundle some of the smaller projects, if practical.

Q: Does the replacement of existing school zone flasher require an environmental?

A: Everything requires an environmental. Some project types fall under a state-wide programmatic agreement that has already been completed.

Q: If the road needs to be wedged prior to the ARRA work, can you use your own forces?

A: Yes, but it is not reimbursable for ARRA funding.

Q: If you miss the ready-for-contracts (RFC) date, are you in line for the next RFC date?

A: Yes.

Q: Will there be any consideration for projects that need funding so they don't move back fiscal years?

A: No, if a project is currently scheduled for a letting, it should have a comprehensive, fiscally constrained funding plan. The ARRA is intended to create new jobs and funding a project that already had funding is not considered creation of new jobs.

Q: I'm in the MPA – do I need to be on the TIP before I submit?

A: Yes, the project must be listed in the TIP in order to meet bid-ready requirements. It is advisable to do early coordination with the MPO to let them know you have a potential project.

Q: Do my plans have to be “full-blown”?

A: Samples of constructible plan sets are being posted to the INDOT ARRA website and the LPA Economic Recovery page as they become available.

Q: Is there a blanket approval for resurface projects under the STIP for ARRA?

A: No. Every location, in some capacity must be listed in the STIP so that anybody can pull up the list of projects and see where funds are being spent. This is necessary to meet the transparency and accountability intent of The ARRA.

Q: Can you do inter-local agreements and have a project with two sponsors? If so, what is the limit for the joint communities, \$3 million or \$6 million?

A: Yes, one project sponsor will have to be listed on the on the project. For two local agencies partnering on a project, the limit would be \$6 million. However, if a larger number of local agencies want to partner on a project, the amount allowable does not continue to increase by \$3 million for each agency. In the spirit of The ARRA, funds need to be geographically dispersed and a large sum of money spent in one area, does not provide for a wide-spread distribution.

Q: Does construction inspection within the MPO come from the MPO's allocation?

A: Yes. The expense will be levied against the MPO's ARRA allocation of funds when the draw is made from the district-wide contract.

Q: Is there a minimum functional class to qualify for PM?

A: Yes, the road must be an arterial (rural or urban, urban collector, or rural major collector.

Q: Is the TE money subject to the 50% obligation within 120 days?

A: The 3% apportionment is a part of the total amount considered in the 50% obligation in 120 days requirement for the state; however, 50% of the 3% apportionment does not specifically have to be spent.

Q: Can a bridge be on-system but the road be off-system?

A: No, a bridge is considered on-system by the road that it is on.

Q: Can you supplement a current Transportation Enhancement job with ARRA dollars?

A: It is possible to do so if there is a justifiable change in scope creating new jobs and additional work.

Q: Local agencies have 45 days to identify a project to take the place of a project they have moved forward for ARRA funding. When does the 45 days start?

A: At the time of advertisement for the project that was moved forward.

Q: Local agencies have 45 days to identify a project to take the place of a project they have moved forward for ARRA funding. If a project is not identified, does the project that was moved forward lose its ARRA funding?

A: No. The local agency will not lose their ARRA funding on the project that was moved forward.

Q: What if my project I moved into the open slot under the 45 day rule ends up not being ready on time?

A: Those conventional funds may no longer be available when the project is ready to be let.

Q: Is there going to be a site where we can go to see how much money has been spent?

A: www.INvest.in.gov and www.recovery.gov

Q: Does the \$3 million limit apply only for highway projects? In other words, if a community is receiving funds under another ARRA program, does any money spent there count against the \$3 million limit?

A: No, the \$3 million limit per community is only applicable to projects funded under the FHWA component of The ARRA.

Q: Do TE projects have to be done on an "on-system" road?

A: No, TE projects can be done on any road.

Q: Is there a re-submittal process for projects that do not make the first round of funding?

A: While INDOT has developed a final process for handling projects under any redistribution/reapportionment of funds, it is anticipated that re-submittal will not be a part of that process. Once a project is submitted to INDOT, it is left in the queue throughout the life of The ARRA, unless removed from the queue by the project owner.

Q: Are sidewalk projects eligible for ARRA funding?

A: Yes, most sidewalks are eligible in most places for funding under the TE category as well as in coordination with many resurfacing projects.

Q: Do I need to have clear title right-of-way to do a sidewalk project?

A: Yes, you will need to have certification of right-of-way for any sidewalk projects. If no new right of way is needed for a project, certification of such is to be done using the right-of-way certification letter found on the INDOT and LPA ARRA websites.

Q: Do I need to have clear title of right-of-way to do a project?

A: Any project that is going to extend beyond the edge of roadway will require certification of right-of-way. If no new right of way is needed for a project, certification of such is to be done using the right-of-way certification letter found on the INDOT and LPA ARRA websites.

Q: Is there a formal project submission document for confirmation of eligibility?

Q: Is there any pre-screening of eligibility for local projects?

A: Doing early coordination with your INDOT district will allow for the appropriate review and coordination of the project. During this time, an eligibility determination will be made.

Q: Can a project be removed because INODT deems the project to not meet criteria?

A: INDOT & FHWA reserve the right to review the project for eligibility, which can include a site visit if necessary.

Q: Are these funds still subject to the 20% local match requirement?

A: No, these funds are 100% federally funded. No local match is required.

Q: How will locals be notified of additional available funding?

A: Correspondence will be sent out through LTAP and district contacts to make sure all parties are aware of additional funding availability.

Q: During consultant selection to complete PE, does the federal RFP process have to be followed?

A: Because no local credits or federal reimbursement will be given for PE under The ARRA program, the federal RFP process does not have to be followed. However, agencies will still need to follow local and state regulations regarding consultant selection processes.

Q: Does reporting information have to be certified by a PE?

A: No. Reporting information does not have to be certified by a PE. Further guidance regarding reporting requirements will be issued as it is known.

Q: Can a gravel road be converted to a paved road under this process?

A: Yes, this project type is eligible under ARRA funding.